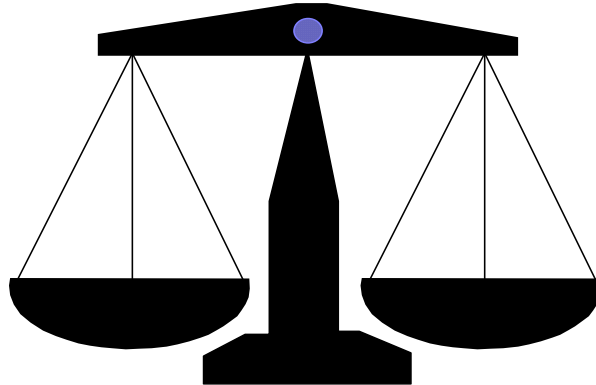


Department of Education
The Office of Career and Technical Education

CIVIL RIGHTS SELF-ASSESSMENT INSTRUMENT



Person(s) Completing Self-Assessment:

Phone Number of Contact Person: _____

Self-Assessment Completion Date: _____

On-site Review Date: _____

Team Review Members:
Name/Position

1. _____

2. _____

3. _____

State Staff:

1. _____

2. _____

INTRODUCTION

An education institution's compliance with the Office for Civil Rights Guidelines and the Carl D. Perkins Vocational Education Act is an important aspect of excellence in vocational or technical education. These guidelines and laws are used to assure citizens, parents, and legislators that every vocational technical education program in every public school in the State of South Dakota is meeting the basic expectations as set forth by the U.S. Department of Education.

The Federal civil rights authorizations governing vocational education programs are as follows:

- 1) Title VI of the Civil Rights Act of 1964 and implementing regulations (34 CFR Part 100) which prohibit discrimination on the basis of race, color, and national origin.
- 2) Title IX of the Education Amendments of 1972 and implementing regulations (34 CFR Part 100) which prohibit discrimination on the basis of sex.
- 3) Section 504 of the Rehabilitation Act of 1973 and implementing regulations (34 CFR Part 104) which prohibit discrimination on the basis of disability.
- 4) The Age Discrimination Act of 1975 and implementing regulations (45 CFR Part 90) which prohibit discrimination on the basis of age.
- 5) The U. S. Office for Civil Rights' "Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap" prohibits unlawful discrimination in vocational education programs. (OCR Guidelines, 44 CFR 17162).

These regulations apply to each recipient of Federal financial assistance offering or administering a program of vocational education or training. (34 CFR 100.13; 34 CFR 106.2; 34 CFR 104.3)

The Self-Assessment/Review Instrument will help an educational institution determine its compliance with these laws. This instrument is used to conduct an on-site compliance review and to help the educational institution prepare for a scheduled review by the State.

Prior to the on-site compliance review, the local staff and administration conduct a self-assessment and indicate their findings in the left column of this instrument.

COMPLETED SELF-ASSESSMENTS FOR ON-SITE REVIEWS SHOULD BE SENT TO THE STATE OFFICE 15 DAYS PRIOR TO ON-SITE VISIT DATE.

At the time of the on-site review, an evaluator will conduct a review and indicate his/her findings in the right column. The on-site compliance review is accomplished chiefly through observations, interviews, and examinations of documentation. Compliance will be determined during the on-site review and after the review, by reviewing documentation obtained during the on-site visitation.

Evaluations are scheduled by the Department of Education for selected institutions with approved career and technical education programs. In addition, special requests for an evaluation to provide assurance that a local education agency is operating within these laws and regulations can be made by members of the local board of education or by local administrators. Requests should be in writing and submitted to the State Director of the Office of Career and

Technical Education for approval and should be received before June 1 preceding the school year in which the requested on-site compliance review is to be conducted.

When a school is selected for an on-site compliance review, the director or superintendent will be notified in writing of the following:

1. The procedure and time frame to follow in submitting this completed instrument and supporting documentation to the South Dakota Department of Education prior to the on-site compliance review.
2. The scheduled date(s) for the on-site review by the State Evaluator.

When preparing for the on-site review, please gather the following additional information to accompany the Civil Rights interview.

1. **Teacher handbook(s)**
2. **Student handbook(s)**
3. **Support staff handbook(s)**
4. **Grievance policies and procedures**
5. **Sexual harassment policies and grievance procedures**
6. **Teacher and administrative application for employment forms**
7. **Support staff application for employment forms**
8. **Copies of three different current job announcements**
9. **One copy of written notification of nondiscrimination policies from newspapers**
10. **A copy of information provided disabled/disadvantaged students and their parents concerning the opportunities available in vocational technical education programs**
11. **A copy of course descriptions provided to all students and a copy of the master class schedule**
12. **Cooperative agreements (student employment)**
13. **Accessibility Contingency Plan**
14. **School policies regarding students who are pregnant, married or are parents.**

Institutions having an on-site review will furnish the necessary supporting documentation listed above during the on-site review.

Questions concerning the civil rights compliance activities may be directed to the Office of Career and Technical Education, Civil Rights Liaison, Department of Education, Pierre, SD 57501-2291. Phone: (605) 773-4527. Fax: (605) 773-4236.

The South Dakota Department of Education will not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, gender, sexual orientation, disability, age, religion, ancestry, or any other legally protected classification. Announcement of this policy is in accordance with Federal law, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 504 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990.

SECTION A – ADMINISTRATION

EDUCATIONAL
INSTITUTION
(EI) STAFF
YES NO

SD DEPT OF
EDUCATION (DOE)
STAFF
YES NA NO

1.	Have civil rights assurance forms (certificates) been filed with the U.S. Office of Education and/or SD DOE which assures that programs and activities are operated in compliance with:			
	a. Title VI of the Civil Rights act of 1964? (Title VI, 100.4)	_____	_____	_____
	b. Title IX of the Education Amendments of 1972? (Title IX, 106.4)	_____	_____	_____
	c. Section 504 of the Rehabilitation Act of 1973? (Section 504, 104.5)	_____	_____	_____
2.	Prior to the beginning of each academic school year or the commencement of a vocational training program, a brief summary of vocational program offerings, admissions or eligibility criteria, the policy of nondiscrimination, and the names, addresses and telephone numbers of the Title IX and Section 504 coordinators must be disseminated to students, parents, employees, potential beneficiaries and the general public. (OCR Guidelines, IV-O)			
	a. Is this notice made in catalogs, publications and/or other media that reach potential beneficiaries, students, parents, employees and the general public?	_____	_____	_____
	b. Is this notice translated and disseminated to each community of national origin minority persons with limited English language skills and does it include a statement that lack of English language skills will not be a barrier to admission and participation in vocational education?	_____	_____	_____
	c. Is this notice available to persons who are visually impaired?	_____	_____	_____

EI STAFF
YES NO

SD DOE STAFF
YES NA NO

3.	<p>Institutions must continually and prominently include its policy of nondiscrimination, including the names, addresses and telephone numbers of the local Title IX and 504 coordinators and the contact information for the Regional Office for Civil Rights, in each announcement, publication, bulletin, catalog and application form which is made available to: (Section 504, 104.8 and 104.32 and Title IX 106.8)</p> <ul style="list-style-type: none"> • Participants • Beneficiaries (students) • Employees • Applicants for employment • Parents • union and professional organizations holding collective bargaining or professional agreements with the above listed groups 				
_____	a. Are all groups listed above made aware of the non-discrimination policy?	_____	_____	_____	_____
_____	b. Is the nondiscrimination policy included in all appropriate documents identified above?	_____	_____	_____	_____
4.	<p>Have procedures been adopted and implemented which assure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities and facilities that are accessible to and usable by persons with disabilities? (Section 504, 104.22 {f}; OCR Guidelines, VI-A)</p>	_____	_____	_____	_____
5.	<p>Have employees been officially designated to coordinate compliance activities with the provisions of:</p>	_____	_____	_____	_____
_____	a. Title IX? (Title IX, 106.8{a})	_____	_____	_____	_____
_____	b. Section 504? (Section 504, 104.7 {a})	_____	_____	_____	_____
6.	<p>Has a grievance procedure been adopted and published that provides for a prompt and equitable resolution of student and employee grievances related to:</p>	_____	_____	_____	_____
_____	a. Title IX? (Title IX, 106.8{b})	_____	_____	_____	_____
_____	b. Section 504 (Section 504, 104.7{b})	_____	_____	_____	_____

EI STAFF
YES NO

SD DOE STAFF
YES NA NO

7.	Facilities should be examined to address accessibility as required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Have facilities been examined to reveal physical obstacles?	—	—	—
	If yes, has a transition plan been developed which is current and:	—	—	—
	a. Identifies physical obstacles	—		—
	b. Describes how obstacles will be changed or modified to assure accessibility	—		—
	c. Specifies the timeframe for structural changes	—		—
	d. Indicates a person responsible for the implementation of the transition plan	—		—
	e. Indicates disabled persons or organizations representing disabled persons who were consulted (Section 504, 104.22{e})	—		—
8.	If your institution is a school district or area vocational technical school, have you annually identified and located every qualified disabled person residing in your jurisdiction who is not receiving a public education and taken appropriate steps to notify persons with disabilities and parents or guardians of the recipient's duty to provide a free and appropriate public education? (Section 504, 104.32)	—	—	—
9.	Are employment practices free from discrimination against employees or applicants for employment on the basis of gender? (OCR Guidelines, VIII-A; Title IX, 106.51 to 106.61)	—	—	—
10.	Are recruitment sources notified of the institution's employment policy of nondiscrimination on the basis of race, color, national origin, gender and disability? (OCR Guidelines, VIII-B)	—	—	—

EI STAFF
YES NO

SD DOE STAFF
YES NA NO

_____	_____	11. Have assurances been made that advertising and recruitment efforts are not limited to sources that are disproportionately composed of persons of a particular race, color, national origin, gender or disability except for the purpose of overcoming past discrimination? (OCR Guidelines, VIII-A and B); Section 504, 104.11 {4} and {b.1})	_____	_____	_____
_____	_____	12. Are all persons treated equally with respect to: (Title VI, 100.3 {c}; Section 504, 104.11 {a,4} and {b}; Title IX, 106.51 {b}; OCR Guidelines, VIII-D)			
_____	_____	a. Processing applications for employment?	_____	_____	_____
_____	_____	b. Hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, rights of return from layoff and rehiring?	_____	_____	_____
_____	_____	c. Rates of pay or any other form of compensation?	_____	_____	_____
_____	_____	d. Job assignments, job classifications, organizational structures, position description, lines of progression and seniority lists?	_____	_____	_____
_____	_____	e. Leaves of absence, sick leave, child rearing or any other leave?	_____	_____	_____
_____	_____	f. Fringe benefits?	_____	_____	_____
_____	_____	g. Selection and financial support for staff development training, including apprenticeship, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training?	_____	_____	_____
_____	_____	h. Employer-sponsored activities?	_____	_____	_____
_____	_____	13. Are reasonable accommodations made to the known physical or mental limitations of an otherwise qualified applicant or employee, except where it imposes an undue hardship? (OCR Guidelines, VIII-E; Section 504, 104.12)	_____	_____	_____
_____	_____	14. Do employment tests or other selection criteria avoid excluding particular classes of persons on the basis of race, color, national origin, gender or disability? (Title IX, 106.52; Section 504, 104.13; Title VI, 100.3)	_____	_____	_____

EI STAFF			SD DOE STAFF		
<u>YES</u>	<u>NO</u>		<u>YES</u>	<u>NA</u>	<u>NO</u>
___	___	15. Are pre-employment practices free from inquiries concerning the marital, parental or disability status of an applicant? (Title IX, 106.60; Section 504, 104.14)	___	___	___
___	___	16. Does your educational institution avoid contractual provisions or other relationships that have the effect of subjecting applicants or employees to discrimination? (Title VI, 100.3; Section 504, 104.11 {a,4}; Title IX, 106.51 {a,3})	___	___	___
___	___	17. Does the institution have a sexual harassment policy? [Title IX; Title VII; Sexual Harassment Guidance, 1997 guidance), 62 FR 12034 (1997)]	___	___	___
___	___	18. Is the policy easily accessible to all patrons of the institution?			
___	___	• Students	___	___	___
___	___	• Staff	___	___	___
___	___	• Parents	___	___	___
___	___	• Community members	___	___	___
___	___	• Others	___	___	___
___	___	19. Is the policy written in a language appropriate to the audience, is it easily understood, and is it widely disseminated? (Title IX – Revised Sexual Harassment Guidance, January 2001)	___	___	___
___	___	20. Is there a grievance procedure for processing sexual harassment complaints? (Title IX, 106.8 {b})	___	___	___
___	___	21. Is the institution's maternity leave policy consistent with the temporary disability policy?	___	___	___
___	___	22. Is the institution's policy on married and/or pregnant and parenting students consistent with the temporary disability policy? (Title IX, 106.21 {c})	___	___	___
___	___	23. In the absence of a policy on married and/or pregnant and parenting students, is practice consistent with the intent of Title IX? (Title IX, 106.21 {c})	___	___	___

SECTION B – COUNSELING/ADVISEMENT

EDUCATIONAL INSTITUTION (EI) STAFF	SD DEPT OF EDUCATION (DOE) STAFF	
<u>YES</u> <u>NO</u>	<u>YES</u> <u>NA</u> <u>NO</u>	
_____	_____	1. Have criteria been developed and disseminated for assuring that language and portrayals contained in career and course selection information are free from biases and stereotypes? (Title IX, 106.36 {b}; Title VI, 100.3; Section 504, 104.37 {b})
_____	_____	2. Are counselors effectively communicating with: a. National origin minority students with limited English language skills?
_____	_____	b. Students who are hearing impaired?
_____	_____	3. Do career presentations by counselors, education staff and representatives from business and industry include representations of minorities, females, males and persons with disabilities in occupations or vocational programs in which these groups traditionally <u>have not</u> been represented? (OCR Guidelines, V-E)
_____	_____	4. Have reviews and assurances been made that tests and other materials used for appraising or counseling students are bias-free and nondiscriminatory on the basis of race, color, national origin, disability or gender? (Title IX, 106.36 {b}; Title VI, 100.3; Section 504, 104.35 {b})
_____	_____	5. If there is an underrepresentation or overrepresentation of males, females or national origin minorities enrolled in a vocational class, <u>has action been taken</u> to assure that the disproportion is not the result of biased, stereotyped and discriminatory counseling and/or appraisal activities? (Title IX, 106.36 {b}; Title VI, 100.3; OCR Guidelines, V-B)
_____	_____	6. If there is an underrepresentation or overrepresentation of students with disabilities enrolled in a regular vocational class, <u>has action been taken</u> to assure that counselors, parents and teachers are not urging or directing students toward restricted career choices? (Section 504, 104.37 {b}; OCR Guidelines, V-A and B)

EI STAFF
YES NO

SD DOE STAFF
YES NA NO

7. Financial assistance such as loans, grants, scholarships, special funds, subsidies, compensation for work, awards or prizes should be awarded without regard to race, color, national origin, gender or disability. (OCR Guidelines, VI-B; Title VI, 100.3; Section 504, 104.4 {a and b}, 104.44 {d} and 104.46; Title IX, 106.37)

a. Are examples and language contained in financial assistance materials free from leading applicants to believe the assistance is provided on a discriminatory basis?

b. Are financial assistance materials translated and made available to national origin minority students with limited English language skills?

c. Are financial assistance materials available to applicants with visual impairments?

SECTION C – COOPERATIVE VOCATIONAL EDUCATION, WORK STUDY, JOB PLACEMENT AND APPRENTICESHIP

EDUCATIONAL
INSTITUTION
(EI) STAFF
YES NO

SD DEPT OF
EDUCATION (DOE)
STAFF
YES NA NO

- | | | | | | |
|---|---|--|---|---|---|
| — | — | 1. Are work study, cooperative education, job placement and apprenticeship training opportunities available to all students without regard to race, color, national origin, gender or disability (OCR Guidelines, VII-A and –B) | — | — | — |
| — | — | 2. Have assurances been made that employment assistance will not be rendered to any agency, organization or person who discriminates against students on the basis of race, color, national origin, gender or disability? (Title VI, 100.3 {b,1,vi} and {c}; Title IX, 106.38; Section 504, 104.11 {a,4}) | — | — | — |
| — | — | 3. If the institution enters into a written agreement with a labor union or other sponsors providing apprenticeship training, does the agreement include an assurance that the union/sponsor does not discriminate in its membership and apprenticeship training? (OCR Guidelines, VII-B) | — | — | — |
| — | — | 4. If the institution enters into a written agreement with an employer requesting students for employment opportunities, does the agreement include an assurance that students will be accepted and assigned without regard to race, color, national origin, gender or disability? (OCR Guidelines, VII-A) | — | — | — |

SECTION D – ACCESS AND ADMISSIONS

EDUCATIONAL
INSTITUTION
(EI) STAFF
YES NO

SD DEPT OF
EDUCATION (DOE)
STAFF
YES NA NO

1.	Educational institutions may not judge candidates for admission to vocational education programs on the basis of criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, gender or disability. If such disproportionate exclusion occurs, the criteria or standards must be validated as essential to participation in a program before they may be used by an education institution (OCR Guidelines, IV-K)			
a.	Does your institution have an admissions policy for vocational technical education programs?	___	___	___
b.	Does your institution have to limit admissions for vocational technical programs because there are more applicants than can be accommodated?	___	___	___
c.	Does your admissions procedure (written or unwritten policy and/or past practice) for vocational technical education program enrollment avoid criteria which disproportionately exclude persons of a particular race, color, national origin, gender or disability?	___	___	___
2.	Do preadmission inquiries avoid reference to marital, parental or disability status? (Title IX, 106.21 {c}; Section 504, 104.42 {b,4})	___	___	___
3.	Have assurances been made that numerical limitations or separate rankings on the basis of race, color, national origin, gender or disability do not exist in admitting students to vocational education programs? (Title IX, 106.21 {b}; OCR Guidelines, IV-F; Title VI, 100.3; Section 504, 104.42 {b,1})	___	___	___
4.	Is promotional literature for vocational education translated and made available to national origin minority communities with limited English language skills? (OCR Guidelines, V-E)	___	___	___
5.	Do national origin minority students with limited English language skills participate in and benefit from vocational education to the same extent as students whose primary language is English? (OCR Guidelines, IV-L)	___	___	___

SECTION E – EQUAL OPPORTUNITY

EDUCATIONAL INSTITUTION (EI) STAFF	SD DEPT OF EDUCATION (DOE) STAFF	
<u>YES</u> <u>NO</u>	<u>YES</u> <u>NA</u> <u>NO</u>	
_____	_____	1. Are supplementary aids and special services provided to students with disabilities to enable them to participate equally in vocational programs? (Section 504, 104.34 {a}) _____
_____	_____	2. Are facilities adapted or modified to the extent necessary to make the vocational education program readily accessible to students with disabilities? (OCR Guidelines, VI-D) _____
_____	_____	3. Are changing rooms, showers and other facilities for vocational students of one gender comparable to facilities offered to vocational students of the other gender? (OCR Guidelines, VI-D) _____

The following four questions should be answered by POSTSECONDARY institutions only.

_____	_____	4. If academic requirements, which are essential to the technical education program, have the effect of discriminating against applicants or students on the basis of a disability, has the institution provided modifications or alternative methods for qualified disabled persons to complete a degree program and/or licensure requirements? (Section 504, 104.44 {a}) _____
_____	_____	5. Are educational auxiliary aids provided to students with impaired sensory, manual or speaking skills to enable them to participate equally in vocational technical programs? (Section 504, 104.44 {d}) _____
_____	_____	6. If the institution <u>does not</u> provide educational auxiliary aids (i.e. taped texts, interpreters, classroom equipment), has it assured that students with impaired sensory, manual or speaking skills are provided equal educational opportunities (Section 504, 104.44 {d,2}) _____
_____	_____	7. Are housing opportunities available without discrimination on the basis of race, color, national origin, gender or disability? (Section 504, 104.45; Title IX 106.32; Title VI, 100.3; OCR Guidelines, VI-C) _____